IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.1203 of 2007

DATE OF ORDER: 6.3.2007

Manjit Kaur

...Petitioner(s)

Versus

Beeru Devi

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mrs. Kamal Preet, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 8.8.2006 passed by Additional Civil Judge(Sr.Divn.), Panchkula whereby defence of the present petitioner was struck off as written statement, reply to the stay application and power of attorney was not filed on behalf of defendant No.1 within stipulated period.

In view of the law laid down by the Hon'ble Supreme Court in Shaikh Salim Haji Abdul Khayamsab v. Kumar and Others, (2006) 1 Supreme Court Cases, 46, Order 8 Rule 1 CPC are not mandatory. These are directory.

Under these circumstances, this petition is disposed of with a direction that defendant No.1-petitioner shall be allowed to file written statement within a period of one month from today subject to payment of Rs.1000/- as costs to the plaintiff.

After the written statement is filed, stay application shall be heard by the trial Court on merits.

March 06, 2007 (M.M. AGGARWAL)
manoj JUDGE